

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ADVOCARE INTERNATIONAL, L.P., a  
Texas limited partnership

Plaintiff,

v.

RICHARD PAUL SCHECKENBACH, et al.,

Defendants.

Case No. C08-5332 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND

THIS MATTER is before the Court on plaintiff Advocate's Motion for Leave to Amend [Dkt. #40]. Defendants recognize that the issue is governed by fed. R. Civ. P. 15, but argues that the proposed amended claims are too late and futile. Plaintiff correctly points out that Defendants seek the equivalent of a summary judgment on the proposed amended claims before they are even in the case. Defendants claim, but have not demonstrated, that they will suffer prejudice if amendment is permitted.

The Plaintiff's Motion for Leave to Amend under Rule 15 is GRANTED. Plaintiff shall file an amended complaint<sup>1</sup> consistent with the allegations made in its Motion by Monday, January 19, 2009.

IT IS SO ORDERED this 12<sup>th</sup> of January, 2009.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>The Plaintiff's Proposed Order references a First Amended Complaint as an attachment to the Motion, but the attachment is not on file.